

REMARKS

Status of the Application:

This Reply is responsive to a final Office Action dated May 15, 2007. A Request for Continued Examination (RCE) is filed herewith and the authorization to charge the appropriate fee to Deposit Account No. 50-0951 is attached hereto.

At the time of the Office Action, claims 1-12 were pending in the application. Claims 1-12 were rejected. Claims 1 and 8-12 have been amended. Claims 2-7 have been canceled. No new claims have been added. Therefore, claims 1 and 8-12 are pending and before the Examiner for consideration.

Rejections Under 35 U.S.C. § 103 and Response Thereto:

Claims 1-4, and 8-12 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Coffee Cakes etc. (web.archive.org/web/*http://www.geocities.com/red6012002/coffee_cakes_etc.html) in view of Berry et al. (Classic Home Cooking, 1995). Claims 5-7 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Coffee Cakes etc. in view of Berry et al. and in further view of Wetzels Pretzels (www.wetzels.com/experience.php).

Claims 1, 10, and 11 (from which all remaining claims depend) have been amended herein to recite "a first elongated dough member having a pretzel dough composition..." and at least one dough member "having a cinnamon bun dough composition." In all of the claims as amended herein, the first elongated dough member having a pretzel dough composition is formed to have a plurality of open spaces, and at least one of these spaces has positioned therein a dough member having a cinnamon bun dough composition. Thus, a single food product of the present

invention contains *both* a sweet cinnamon bun dough and a savory pretzel dough. Stated another way, a single food product of the present invention provides both a pretzel, and at least one cinnamon bun – *in the same product*. The Office Action states on page 4 that "Coffee Cakes etc., teaches both the composition of a cinnamon bun and the composition of a pretzel." Applicants respectfully disagree with this assertion and point to the text immediately above Figures #1 and 2 and point to Figure #3 of this reference which evidence that Coffee Cakes etc. teaches forming danish or sweet dough into a pretzel configuration. There is no savory component to this product; it is strictly sweet dough. In stark contrast, the present invention provides a single food product that includes a savory pretzel and a sweet cinnamon bun. Coffee Cakes etc. makes no mention whatsoever of a savory pretzel dough or any savory dough for that matter. Therefore, the assertion that "Coffee Cakes etc., teaches both the **composition** of a cinnamon bun and the **composition** of a pretzel" is incorrect because Coffee Cakes etc. teaches the **composition** of a sweet dough product and the **configuration** of a pretzel. A pretzel-shaped product made entirely of sweet dough does not suggest or render obvious a single food product having a savory pretzel and at least one sweet cinnamon bun.

Regarding the Berry et al. reference, the Office Action states "Berry et al. is relied on to teach that is has been well known to one having ordinary skill in the art to provide two different dough compositions wherein one of the dough compositions is positioned over the other dough compositions." Although the buns of Berry et al. do include two different types of dough, these buns do not include a savory pretzel and at least one sweet cinnamon bun. Berry et al. teaches forming a bun of a first dough and placing two strips of a second dough onto the bun. This does not result in a single food product that provides a consumer with both a savory pretzel and at

least one cinnamon bun or anything remotely close thereto. Even if one combined the hot cross buns of Berry et al. with the pretzel-shaped sweet dough products of Coffee Cakes etc., this combination would not result in a single food product having a savory pretzel and at least one sweet cinnamon bun.

Regarding Wetzel's Pretzels, the Office Action states "Wetzel's Pretzel is relied on to teach a cinnamon bun composition in a shape other than that of a cinnamon bun...[s]uch a change in shape would have been considered a change in shape that would not have imparted a patentable distinction over the prior art." These teachings by Wetzel's Pretzels are not at all pertinent to the claimed invention, because the claims make no mention of a sweet cinnamon dough product in a shape other than that of a cinnamon bun. Wetzel's Pretzels does not teach a single food product having both a savory pretzel dough composition and at least one sweet cinnamon dough composition. Thus, there is nothing in this reference that suggests a single food product that provides at least one sweet cinnamon bun and a savory pretzel to the consumer.

In view of the foregoing, each of the pending claims as amended herein is patentable over the combination of the Coffee Cakes etc., Berry et al., and Wetzel's Pretzels references. Accordingly, withdrawal of these rejections is respectfully requested.

Conclusion

It is believed that all claims are now in condition for immediate allowance. However, the Examiner is invited to call the undersigned (direct line: 561-671-3623) if it is believed that a telephonic interview would expedite the prosecution of the application to allowance. This Response is being filed with an RCE, and the Commissioner for patents is hereby authorized to

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charge the fee due with the filing of this document and during prosecution of this application to
Deposit Account No. 50-0951.

Date: 10/31/07

Respectfully submitted,
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